

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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October 25, 2013

TO: Commissioners and Alternates

FROM: Larry Goldzband, Executive Director (415/352-3653 @bcdc.ca.gov)
Page Perry, Coastal Planner (415/352-3641 pagep@bcdc.ca.gov)

SUBJECT: Staff Report and Recommendation on a Contract with Solano County for Amending the Solano County Component of the Suisun Marsh Local Protection Program
(For Commission consideration on November 7, 2013)

Recommendation

The staff recommends that the Commission authorize the Executive Director to execute a contract with Solano County under which Solano County will provide up to \$16,560 to the Commission for assistance in developing and considering further amendments to the Solano County component of the Suisun Marsh Local Protection Program. The staff also recommends that the Commission authorize the Executive Director to amend the contract if that proves necessary so long as the amendment does not involve substantial changes in either the scope or amount of the contract.

Staff Report

Prior Commission Review. In September 2008, the Solano County Board of Supervisors adopted a comprehensive update to the Solano County General Plan, superseding most elements of the prior General Plan. Further, in February 2012, the County adopted a comprehensive update to Chapter 28 of the County Code, repealing the prior version of that chapter. BCDC Staff worked with the County staff during 2008 to determine the consistency of proposed General Plan policies with the *Suisun Marsh Preservation Act* (Marsh Act) and the *Suisun Marsh Protection Plan* (Marsh Plan). Some changes were made. The new General Plan included both new policies for the Primary and Secondary Management Areas of the Suisun Marsh, and the previously certified LPP Component. The General Plan included a policy stating that any inconsistencies between new policies and certified policies would be resolved in favor of the certified LPP policies. Following adoption of the General Plan, the County worked with BCDC staff to amend the *San Francisco Bay Plan* (Bay Plan) and *Suisun Marsh Protection Plan* to reduce the size of the water-related industry priority use area at Collinsville, to craft zoning ordinances to implement the General Plan, and to modify recently adopted General Plan policies so that the LPP policies would be consistent with the Marsh Act and Marsh Plan.

BCDC contracted with the County to cover its costs of amending the Bay Plan and Marsh Plan and for its analysis and certification of the amended LPP component. On July 7, 2011, the Commission adopted Bay Plan Amendment 1-10 amending Bay Plan Map 3, the Marsh Plan findings and policies regarding water-related industry, the Marsh Plan maps, and the Resolution 16 boundaries of the water-related industrial priority use designation at Collinsville. The amendment ensured that County and BCDC policies on the location and size of the water-related industrial priority use area at Collinsville were consistent.



Making San Francisco Bay Better

On August 28, 2012, the Solano County Board of Supervisors adopted an amendment to the County's LPP Component. The 2012 LPP Amendment incorporated the 2008 General Plan update, including some amendments and the adoption of Zoning Code text amendments addressing Definitions, Limited Agriculture District, Residential Traditional Community District, Commercial Recreation District, Water Dependent Industrial District, and Land Use Regulations; amended Chapter 31 addressing grading, drainage, land leveling and erosion control; replaced Chapter 6.4 of the County Code regulating sewage disposal systems with revisions to County policy regulating sewage disposal systems within the Suisun Marsh; and amended the Zoning maps relating to the Water Related Industrial Reserve Area around Collinsville and in the secondary management area consistent with the 2008 General Plan.

The Board of Supervisors conducted a public hearing on the Draft 2012 Amendment on August 28, 2012. At that hearing, the Board adopted the 2012 Amendment of the Solano County Component of the Suisun Marsh Local Protection Program as recommended by the Planning Commission. The County submitted the 2012 Amendment to BCDC for certification on September 28, 2012. BCDC staff circulated the LPP Amendment for review and comment, prepared a staff summary and recommendation and presented a recommendation for certification of the LPP to the Commission on December 6, 2012. However, shortly after that Commission meeting, Solano County withdrew the LPP from Commission consideration. The County has since made some changes to the LPP Amendment and is now proposing to re-submit the LPP for certification by BCDC.

The Commission's regulations require that whenever a party other than the Commission or the Executive Director proposes an amendment of the Commission's planning documents, that party must pay for the Commission's costs of processing and acting on the application. Accordingly, the staff recommends that the Commission authorize the Executive Director to: (1) execute a contract with Solano County under which Solano County will provide up to \$16,560 to the Commission for the staff's assistance in developing and considering further amendments to the Solano County component of the Suisun Marsh Local Protection Program; and (2) amend the contract if that proves necessary so long as the amendment does not involve substantial changes in either the scope or amount of the contract. The contract will cover the Commission's costs for circulating the revised LPP Amendment for public review and comment, preparing a revised staff summary, noticing and holding a public hearing, preparing a revised recommendation, processing any adopted LPP Amendment through the Office of Administrative Law and NOAA's Office of Coastal Resource Management, and formatting and printing the final document.